

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

)	
In the Matter of:)	
)	
Town of Newmarket)	
Wastewater Treatment Plant)	NPDES Appeal No. 12-05
)	
NPDES Permit No. NH0100196)	
)	
)	

REGION 1’S RESPONSE TO PETITIONER’S MOTION TO DISMISS

EPA respectfully submits the following response to the Great Bay Coalition’s Motion to Dismiss the Petition for Review of the Town of Newmarket NPDES Permit.

As grounds for its Motion to Dismiss, Petitioner states:

“At a recent meeting of the parties discussing the peer review, EPA Regional Administrator Spaulding [sic] agreed to consider the outcome of the updated peer review in issuing any further NPDES permits to the Great Bay communities.” Motion at 1.

EPA disputes this characterization of the Regional Administrator’s position. Insofar as this statement suggests that EPA has agreed to delay NPDES permit issuance for other Great Bay communities, including Dover, pending the completion of the contemplated peer review process, or has otherwise predicated the outcome of any subsequent permit proceeding on the results of this future peer review, EPA objects to the motion. The peer review process is still in its very early stages, so it is uncertain when the peer review will be completed and what useful information it will provide. To the extent that this mistaken assumption constitutes grounds for the motion, EPA

respectfully requests the motion be denied and the Board proceed to rule on the petition.

Dated: August 28, 2013

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion to Dismiss in connection with NPDES Appeal No. 12-05, were sent to the following persons in the manner indicated:

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